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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,883	12/01/2003	Christopher Rohrs	025.0364.US.UTL	3350
26479 7590 09/13/2007 STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			EXAMINER RIDER, JUSTIN W	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,883

Applicant(s)

ROHRS ET AL.

Examiner

Justin W. Rider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 14-26, 29-33 and 35-70 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13, 27, 28 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Application filed 01 December 2003.

Claims 1-70 are pending.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) submitted on 02/2004 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement(s).

Specification

3. The abstract of the disclosure is objected to because it is too lengthy. Applicant is reminded that the abstract should be no longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 9-11, 14-16, 18-26, 30-32, 35-37 and 39-44 are rejected under 35

U.S.C. 102(b) as being anticipated by **Fein et al. (US Patent No. 5,924,108)** referred to as **Fein** hereinafter.

Claims 1, 22 and 44: **Fein** discloses a text summarization system, method and apparatus for use in Web-based content (**Fein**, Claim 15), comprising:

i. a text identifier to determine text responsive to an executed query comprising one or more query terms (col. 1, lines 30-42 describes a situation wherein a summarization aides in the successful completion of a keyword search of a large repository of information.);

ii. a phrase identifier to identify phrases within the text (Abstract, '*Phrase compression techniques...*' and col. 2, lines 50-55.); and

iii. a phrase summarizer to summarize the phrases into summarized text (Abstract), comprising:

iv. a word marker to mark at least one word in the phrases (Abstract; col. 2, lines 50-57, '*and produces a table correlating the content words with their corresponding frequency counts,*');

v. a matcher to match zero or more words in the phrases to the query terms (col. 3, lines 1-5; and

vi. a word placer to place at least one of a matched word or a marked word into the summarized text subject to space restrictions (col. 3, lines 34-36).

Claims 2-3 and 23-24: **Fein** discloses a system and method as per claims 1 and 22 above, wherein the phrases are identified by content separators evaluated within the text relative to the zero or more words (col. 3, lines 10-25; col. 5, lines 60-63, the fact that sentences are being analyzed leads to the determination that inherently, periods (.) and/or semi-colons (;) would be used to perform the phrase breaking function.).

Claims 4 and 25: **Fein** discloses a system and method as per claims 2 and 23 above, further comprising a phrase matcher to match the zero or more words to the query terms independent of at least one of case and suffixes (col. 5, lines 15-20, *'are all morphological variants of the root form "walk." In this way, the root form and associated variants are all counted as the same word.'*).

Claims 5 and 26: **Fein** discloses a system and method as per claims 2 and 23 above, further comprising a word locator to locate at least one significant word situated relative to one such matched word within at least one phrase, and to place the at least one significant word into the summarized text subject to space restrictions (col. 7, lines 45-60, *'The length of the summary is an author-controlled parameter. From Table 2, a two-sentence summary for the above sample paragraphs is as follows.'*).

Claims 8 and 29: **Fein** discloses a system and method as per claims 1 and 22 above, wherein the phrases are identified by parts of speech determined by tagging the parts of speech within the text (col. 5, lines 9-13; col. 6, lines 55-64; col. 7, Table 3).

Claims 9 and 30: **Fein** discloses a system and method as per claims 8 and 29 above, further comprising a word dropper to drop one or more words situated relative to a grammatical phrase boundary (Col. 5, lines 1-13).

Claims 10 and 31: **Fein** discloses a system and method as per claims 9 and 30 above, further comprising a word adder to add one or more words situated relative to one or more non-dropped words (col. 5, lines 9-11, *'the processor reads every word, but only counts those words that do not appear on the stop word list.'*).

Claims 11 and 32: **Fein** discloses a system and method as per claims 9 and 30 above, further comprising a boundary identifier to determine the grammatical phrase boundary based on at least one of one or more predetermined punctuation marks and a prepositional phrase (**Fein** inherently defines boundaries by delineating summarization options by prepositional phrases (col. 5, lines 1-5) as well as by punctuation (col. 5, lines 60-61).

Claims 14 and 35: **Fein** discloses a system and method as per claims 8 and 29 above, further comprising:

- i. a confidence level associated with summarized text (col. 5, line 60 - col. 6, lines 7); and
- ii. an evaluator to evaluate a quality of the summarized text based on the confidence level (col. 5, line 60 - col. 6, lines 7).

Claims 15 and 36: **Fein** discloses a system and method as per claims 14 and 35 above, further comprising an adjuster to adjust the confidence level relative to one or more dropped words (col. 8, lines 1-10, recites adding content in order to increase a summarization confidence.).

Claims 16 and 37: **Fein** discloses a system and method as per claims 1 and 22 above, wherein at least one word comprises a compound word comprising a plurality of individual words (It is inherent that a compound word would be recognized as one word (e.g. without = with & out)).

Claims 18 and 39: **Fein** discloses a system and method as per claims 1 and 22 above, wherein the text comprises at least one of an advertisement, search results and Web content (Claim 15).

Claims 19 and 40: **Fein** discloses a system and method as per claims 1 and 22 above, wherein the text comprises non-Web content (Abstract, Claim 14).

Claims 20 and 41: **Fein** discloses a system and method as per claims 1 and 22 above, further comprising a text placer to place the summarized text in at least one of an advertising creative, summarized search results and summarized Web content (Claim 15, i.e. summarization is performed within a Web environment.).

Claims 21 and 42: **Fein** discloses a system and method as per claims 1 and 22 above, further comprising a text placer to place the summarized text into at least one of a table cell and column entry (Abstract, *'The summarizer counts how frequently content words appear in a document and produces a table correlating the content words with their corresponding frequency counts.'*).

Claim 43: **Fein** discloses a method as per claim 22 above, wherein a computer-readable storage medium holds code for performing the method as per claim 22 (col. 4, lines 7-11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Newman (US Patent No. 5,774,833)** referred to as **Newman** hereinafter.

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Claims 12 and 33: **Fein** discloses a method as per claims 11 and 32 above utilizing punctuation as a grammatical boundary, however **Fein** fails to but **Newman** does, disclose wherein a grammatical boundary consists of a colon or semi-colon (Abstract, col. 11, lines 65-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Newman** in the method of **Fein** because where **Fein** discloses the use of periods as a punctuation that determines boundaries, it is and would have been common knowledge at the time that the use of an alternative 'breaking' punctuation alternative to a period (e.g. colon, semi-colon, hyphen) would be just as easily implemented to provide a known predictable result. This would result in the ability to break sentences up into smaller phrase tokens in order to possibly provide a more efficient result.

8. Claims 17 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Hobson et al.** (US Patent No. 5,694,559) referred to as **Hobson** hereinafter.

Claims 17 and 38: **Fein** discloses methods as per claims 1 and 22 above for summarizing text, however failing to but **Hobson** does, in an analogous art specifically disclose the normalization of grammatical case of letters within a searched text passage (col. 11, lines 45-47, *'the word is converted to all lower case letters...'*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Hobson** in the methods of **Fein** because it discloses an efficient free text query system that is integrated as part of an on-line help query system (col. 1,

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lines 39-55). This system performs the query based on user entered keywords and provides a brief discussion of the user's anticipated field of search.

9. Claims 45-47, 49-50, 55-59, 61-62 and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Povilus (US Patent No. 5,740,425)** referred to as **Povilus** hereinafter.

Claims 45, 57 and 70: Claims 45, 57 and 70 are similar in scope and content to that of claims 1, 22 and 44, respectively. However, **Fein** fails to specifically address the use of text summarization in order to display item descriptions in a constrained space.

In a similar recitation, **Povilus** discloses a text-searchable electronic product catalog in which a user can search through a large plurality of products within a catalog and return results based on the query terms (Abstract, col. 3, lines 9-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Povilus** in the method of **Fein** because it provides an efficient way to navigate through a significant amount of data based on content and context of the text descriptions (col. 3, lines 9-25).

Claims 46-47 and 58-59: Claims 46-47 and 58-59 are similar in scope and content to that of claim 5. Claim 5 is similar in that it takes a portion of text retrieved from a query (e.g. item description) and locates and extracts key words that summarize the text passage retrieved. Therefore, claims 46-47 and 58-59 are rejected under the same rationale as claim 5 above.

Claims 49 and 61: **Fein** discloses a method as per claims 45 and 57 above, further comprising a category identifier to retrieve a category name associated with the item description

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and supplementing the advertising creative with the category name subject to space restrictions (col. 5, TABLE 1, it is interpreted by the Examiner that a category would be selected by the use of determining the most common theme across a given text passage (e.g. computer constitutes the most frequent word and so therefore, the term computers would be considered the category and set forth in the limited space.).

Claim 50 and 62: **Fein**, in view of **Povilus** disclose a method as per claim 49 above, however **Fein** fails to, but **Povilus** does disclose the method further comprising:

i. a hierarchy of categories (col. 6, lines 15-25, e.g. ‘product frames’ and ‘product or system realms’); and

ii. a category summarizer to summarize the category name by prepending ancestor categories determined from the hierarchy (col. 6, lines 25-32).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Povilus** in the method of **Fein** because of the reasons outlined under claim 45 above.

Claims 55 and 67: Claims 55 and 67 are similar in scope and content to that of claim 18 above and so therefore are rejected under the same rationale.

Claims 56 and 68: **Fein**, in view of **Povilus** disclose a method as per claims 45 and 57 above, however **Fein** fails to but **Povilus** does specifically disclose wherein the item description comprises at least one of a product description (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Povilus** in the method of **Fein** because of the reasons outlined under claim 45 above.

Claim 69: **Fein** discloses a method as per claim 57 above, wherein a computer-readable storage medium holds code for performing the method as per claim 22 (col. 4, lines 7-11).

10. Claims 48 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Povilus** and in further view of **Burstein et al. (US Patent No. 6,181,909)** referred to as **Burstein** hereinafter.

Claim 48 and 60: **Fein**, in view of **Povilus** discloses a method as per claims 45 and 57 above, however failing to, but **Burstein** does specifically disclose the following:

- i. a parse tree (cols. 11-12, Appendix B2, '*occurs in the second column of the parse tree...*') formed from the item description [essay] (Abstract);
- ii. a parser to traverse the parse tree for constituents meeting syntactic constraints (Abstract, '*(a) parsing the essay to produce parsed text, wherein the parsed text is a syntactic representation of the essay,*'); and
- iii. a description identifier to supplement the advertising creative with the constituents subject to space restrictions (Abstract, '*(b) using the parsed text to create a vector of syntactic features derived from the essay, (c) using the parsed text to create a vector of rhetorical features derived from the essay,*').

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Burstein** in the method of **Fein** in view of **Povilus** because it provides an automatic, detailed breakdown of a given text in order to perform an analysis of said text (col. 1, Background).

11. Claims 51 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein**, in view of **Povilus** and in further view of **Itonori et al. (US Patent No. 5,943,443)** referred to as **Itonori** hereinafter.

Claims 51 and 63: **Fein**, in view of **Povilus** disclose a method as per claims 50 and 62 above, however failing to but **Itonori** discloses within a text passage processing environment, the deletion of redundant category headers or words (col. 23, line 66 - col. 24, line 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Itonori** in the methods of **Fein**, in view of **Povilus** because it provides a 'processing method and storing medium for storing thereof to offer document filing which executes a registering process with a little computation cost and with high processing speed when a document is registered, and realizes retrieval with little oversight,' (Col. 1, lines 52-57).

12. Claims 52 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein**, in view of **Povilus** and in further view of **Brown et al. (US Patent No. 5,875,446)** referred to as **Brown** hereinafter.

Claims 52 and 64: **Fein**, in view of **Povilus** discloses a method as per claims 52 and 64 above, however failing to, but **Brown** does specifically further disclose the following:

- i. a confidence level associated with the category name (col. 11, lines 9-22); and
- ii. a category summarizer to select the category name having a substantially best confidence level (col. 11, lines 9-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Brown** in the methods of **Fein**, in view of **Povilus** because it provides a systematically structured orientation of categorized objects in a query context, which is put forth in a hierarchal grouping (col. 4, lines 40-63).

13. Claims 53 and 65 rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Povilus** and in further view of **Richards (US 2001/0039519 A1)** referred to as **Richards** hereinafter.

Claims 53 and 65: **Fein**, in view of **Povilus** discloses a method as per claims 52 and 64 above, however failing to, but **Brown** does specifically disclose wherein seller or merchant information is received along with an item description and is further displayed along with other product information (p. 10, paragraph [0119]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Richards** in the methods of **Fein**, in view of **Povilus** because it would be a matter of common sense that in an age of constant use of the Internet as a source of buying/selling merchandise a) a potential online buyer would require that they be privileged to merchant information (i.e. for safety, confidence and right to know purposes) and b) the actual merchant would desire to have their name and possibly other information displayed along with their goods as a way of advertising the company name.

14. Claims 54 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fein** in view of **Povilus** and in further view of **Hobson**.

Claims 54 and 66: Claims 54 and 66 are similar in scope and content to that of claim 38 above and so therefore are rejected under the same rationale.

Allowable Subject Matter

15. Claims 6-7, 13, 27-28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The relied upon prior art fails to specifically disclose, either alone or in combination, a word marker to mark one or more unplaced words situated relative to one or more matched words and the at least one significant word within at least one phrase, and to place one or more marked words or matched words into the summarized text subject to space restrictions; and a word selector to select the marked words in one of right-to-left and left-to-right order. It further fails to specifically disclose a word selector to select one or more words situated relative to a grammatical phrase boundary, wherein the word comprises one of a rightmost proper noun, a regular noun immediately following the rightmost proper noun, and a regular noun if the rightmost proper noun is not found, and to place the one or more selected words into the summarized text subject to space restrictions.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Fan (US Patent No. 5,371,673)** discloses the categorization of phrases within a text analysis environment; **Burrows (US Patent No. 6,230,158)** discloses on-line text query

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summarization; **deVries et al. (US Patent No. 6,311,189)** discloses Internet query; **Chang et al. (US Patent No. 6,714,905)** discloses the parsing of returned text based on an Internet query.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.
11 September 2007



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